

**JEFFREY K. STARNES**  
**Assistant U.S. Attorney**  
**U.S. Attorney's Office**  
**P.O. Box 3447**  
**Great Falls, MT 59403**  
**119 First Ave N., Suite 300**  
**Great Falls, MT 59401**  
**Phone: (406) 761-7715**  
**FAX: (406) 453-9973**  
**E-mail: Jeff.Starnes@usdoj.gov**

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**GREAT FALLS DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>STANLEY PATRICK WEBER</b>  <b>Defendant.</b>	<b>CR-18-14-GF-BMM</b>  <b>UNITED STATES' RESPONSE</b> <b>TO DEFENDANT'S MOTION TO</b> <b>DISCLOSE INTENT TO CALL</b> <b>EXPERT WITNESSES AND</b> <b>DISCOVERY PURSUANT TO</b> <b>RULE 16(a)(1)(F) AND (G),</b> <b>FED.R.CRIM.P. (Doc. 29)</b>
--	--

**BACKGROUND**

Weber moves the Court for an order requiring the government to disclose its intent to use an expert witness at least 60 days prior to trial. (Doc. 29). As set forth more fully below, the defendant's motion should be denied.

## **LAW AND ARGUMENT**

Fed. R. Crim. P. 16(a)(1)(F) requires to the government to allow the defendant to examine and copy the results of any scientific test in the government's possession which is material to the defense or which government intends to use during its case-in-chief. Rule 16(a)(1)(G) requires the government to provide the defendant a written summary of any testimony it will offer by way of an expert witness at trial.

At this time, the United States does not intend to rely upon expert testimony at trial. However, the United States wishes to note that it will continue to investigate the case and interview potential witnesses until the trial is concluded. It is possible, though unlikely, that the government may identify a need to call an expert witness as a result of its continued investigation. If that occurs, the United States will promptly notify the Court and the defense and produce the information required by Rule 16(a)(1)(F)-(G).

The United States also notes that the Court's Amended Scheduling Order (doc. 34) requires filing of any Expert Reports on or before June 15, 2018. There is no need to accelerate that deadline in this case.

## **CONCLUSION**

Based on the foregoing, the United States urges the court to deny Weber's motion.

Respectfully submitted this 30th Day of April, 2018.

KURT G. ALME  
United States Attorney

/s/ Jeffrey K. Starnes  
Assistant U.S. Attorney  
Attorney for Plaintiff

## **CERTIFICATE OF COMPLIANCE**

Pursuant to D. Mont. CR 47.2, the attached response is proportionately spaced, has a typeface of 14 points or more, and the body contains 402 words.

/s/ Jeffrey K. Starnes  
Assistant U.S. Attorney  
Attorney for Plaintiff